

Appl. No. : 10/772,650
Amdt. Dated: January 3, 2008
Reply to Office Action of October 17, 2007

REMARKS

Claims 1-8 stand rejected. Claim 1 has been amended and new claim 9 has been presented herein. Therefore, claims 1-9 are pending and at issue. Applicants respectfully request reconsideration of the rejections of the claims and allowance of the case.

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant's Admitted Prior Art (AAPA) in view of He et al. This rejection should be withdrawn as the proposed combination is improper and even if the references could be properly combined, the proposed combination fails to disclose or suggest the features recited in the claims.

The Office Action asserts that AAPA teaches "a method for balancing the load of a wireless local network..." However, the "background of the invention" in the present application merely describes an association of a station with an access point based on the RSSI, see paragraph 6, line 1. This description however leads to an unbalanced load as is described on paragraph 6, last sentence. Therefore, AAPA described in the "background of the invention" does not teach a method for balancing the load of a wireless local network.

The "background of invention" describes a wireless local area network comprising access points and stations which associate with the access points, whereas He et al. is directed to a client-server system of client stations and servers which are connected via single cables, fiber optical cables, intertwined wires, routers and switches. As is known to the person skilled in the art, wireless local area networks and client-server systems are from completely different technical fields as many differences exist between the two technologies. For example, as outlined in the "background of the invention", in wireless systems, the received signal strength of a signal transmitted from a station to a plurality of access points can be different for each access

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point while the level of signal is not at all an issue in wired system such as wired client-server systems. Furthermore, wireless local area networks use an association process to associate a client station to a particular service set while non-wireless systems such as client-server systems are not using such an association process at all. Additionally, AAPA and He et al. are not directed to solving similar problems such as in the present application. Therefore a person skilled in the art would not consider a combination of these two different technical fields.

Regardless, even if AAPA and He et al. were combined, the proposed combination would not result in the features recited in the present claims. There is no teaching in He et al. which would allow the person skilled in the art to apply the teaching to a wireless local area network. In particular it is noted that there is a fundamental difference in that He et al. is not concerned with wireless access points and association with a wireless access point and in particular in that the requests which are used and balanced in He et al. are requests for processing certain tasks such as a request for a domain name resolution (see column 3, line 58 to 61). These requests of He et al. are very different to probe requests for association with a service set. Specifically, He et al. does not show the following features:

- "a plurality of access points forming a service set" because in He et al., groups of servers are connected over cables or wires;
- "sending a probe-request frame for association with said service set from a station to said plurality of access points" because the request of He et al. is different from a probe-request frame for association with a service set;

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- "selecting an access point with the lowest load" because the server of He et al. is not an access point; and

- "constructing an association between the station and the access point with the lowest load for balancing the load of said plurality of access points" because the teaching described in column 2, lines 27 to 36 of He et al. describes a selection of one server to perform a specific processing task of a client but not the constructing of an association between two items and in particular not a WLAN association.

Moreover, one skilled in the art taking the teaching of He et al. into account would not replace the association of stations dependent on a RSSI with a client station described in the "background of the invention".

Therefore, not only is the proposed combination of AAPA and He et al. improper, even if the references were combined, the proposed combination fails to disclose or suggest one or more features recited in the claims.

Claims 2-8 depend from and more specifically recite the features of claim 1. As presented above, AAPA and He et al., when taken alone or in combination, fail to disclose or suggest the features of claim 1. Therefore, for at least the reasons presented above with respect to claim 1, the rejection of claims 2-8 should also be withdrawn.

For similar reasons to those presented above with respect to claim 1, new claim 9 is also allowable.

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CONCLUSION

Applicants respectfully request reconsideration of the rejection of claims 1-8 and allowance of the case. If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (33038-407400) on the account statement.

Respectfully submitted,

By 

Joseph H. Herron

PTO Reg. No. 53,019

Seyfarth Shaw LLP

Attorneys for Assignee

131 South Dearborn Street

Suite 2400

Chicago, Illinois 60603-5577

312-460-5000

312-460-7000 (fax)